

Memo: To Iowa CASA Advocates and Coaches

RE: Volunteer Subpoenas to Provide Testimony or Documentation in a Non-Juvenile Court Proceeding

Effective Date: 10-11-2019

- A. In recent months, CASA Volunteers (Coaches and Advocates) have been asked more frequently to provide testimony or documentation in a criminal or civil court matter.
- B. The CASA Program, along with legal counsel for the Department of Inspections and Appeals has received guidance from the Iowa Attorney General's office to develop a policy and related procedures regarding the subpoena of CASA Advocates or Coaches (herein referred as Volunteer), to provide testimony or produce documentation for a legal matter that is not based in the juvenile court.
- C. Policy, instructions, guidelines and procedures involved with this issue will be included in the next CASA Policy and Procedure Manual to be released July 1, 2020, but the effective date of the policy and procedure is October 11, 2019.

PROCEDURE: Volunteer subpoena to testify or produce documentation for non-juvenile court legal matter.

- 1. To protect confidentiality and ensure the Iowa CASA program remains in compliance with Iowa Code, this procedure must be followed when a Volunteer learns they may be subpoenaed in a non-juvenile matter.
 - a. If a Volunteer is approached in-person or via telephone/email about potentially testifying or providing documentation in a non-juvenile court matter, advise the attorney or other party that CASA Volunteers are only authorized to testify in juvenile court proceedings.
 - b. The Volunteer shall direct the attorney or other party to the local CASA Program Coordinator.
 - c. The Volunteer shall immediately inform the CASA Program Coordinator that they've been asked about providing testimony in a non-juvenile court matter and they've directed the attorney to the Coordinator.
 - d. If the attorney reaches out to the Coordinator, the Coordinator will speak with the attorney to gather information and tell the attorney that CASA Volunteers can only accept service on a subpoena if the service is adequate and personal.

- Personal Service is served in person and includes required payment of witness fees and mileage to/from the courthouse where the proceeding is taking place. Adequate service means the subpoena has been served with ample notice (around 2 weeks).
- e. If the attorney persists and issue's the subpoena with personal and adequate service, the CASA Program, along with legal counsel for the Department of Inspections and Appeals will determine how to proceed.
 - If the date or time of the Volunteer's expected attendance at court is in conflict with their schedule, please let the program Coordinator know.
 Our offices can work to quash the subpoena based on the Volunteer's lack of availability.
 - ii. If a Volunteer receives a subpoena in person or via email/phone/fax that does not meet the personal and adequate standards for service, please send this to the CASA Coordinator. Again, DIA Legal Counsel and the Attorney General's office will be involved to determine the next course of action.
- 2. If it is determined that the Volunteer's testimony (or providing needed documentation) is needed and appropriate for the criminal/civil matter, the Volunteer will be asked to attend the court hearing as subpoenaed.
 - a. When taking the witness stand, be sworn in.
 - b. Before answering any questions under oath, the Volunteer shall read the highlighted section of text provided by the Program Coordinator which references lowa code sections related to confidentiality of information retained by the CASA Program.
 - c. After reading the statement the presiding Judge will either order the Volunteer to provide testimony <u>or</u> dismiss the witness from the stand. If ordered by the presiding judge to continue with testimony, please continue answering questions as requested.
 - i. If the information released during testimony involves child abuse information, the Volunteer will follow instructions on Resource 57-E, 'CASA Testimony in Criminal/Civil Case Involving Child Abuse.

As a reminder, if a Volunteer is called to testify in their <u>assigned CASA child's Child In Need of Assistance (CINA) matter</u>, they are encouraged to do so. In order to provide support, we ask that the Advocate's Coach or Coordinator attend the hearing with the Advocate. A Volunteer should not take any documentation other than their current CASA Report to the Court or documentation approved by the program coordinator to the witness stand with them.